

EXHIBIT

P

Notice of Collective Action

Chris Gagliastre, et al v. Capt. George's Seafood Restaurants, LP, et al, Case No. 4:17-cv-1308,
United States District Court for the District of South Carolina.

To: All current and former servers or similar employees who have worked for Captain George's Seafood Restaurant at any time from [REDACTED] until present.

This is a court-authorized notice. It is not a solicitation from a lawyer.

A lawsuit may affect your rights.

This Notice describes the lawsuit, the servers' claims, the parties, and your rights and options. The Notice is being sent to you by order of the United States District Court for the District of South Carolina, Florence Division ("the Court") in *Gagliastre, et al v. Capt. George's Seafood Restaurants, LP, et al*, Case No. 4:17-cv-1308 (RBH) (the "Lawsuit").

1. What is this case about?

On May 19, 2017, Chris Gagliastre, Zachary Tarry, and Olga Zayneeva, current and former servers at Captain George's Seafood Restaurants, filed a lawsuit on behalf of themselves and all similarly-situated individuals (collectively "Plaintiffs"). The Plaintiffs allege that:

- Captain George's has failed to pay servers even "tip credit" minimum wage because they received \$2.125 per hour for all hours worked up to 40 per workweek;
- Captain George's has unlawfully taken a "tip credit" from servers' wages because they require servers to share tips with the "house"; and
- Captain George's has failed to pay servers the proper overtime wages for hours worked over 40 in a workweek by paying servers only \$3.18 per hour for overtime hours.

The Named Plaintiffs allege that Captain George's Seafood Restaurants applied these policies at each of their restaurants, and therefore seeks to represent any employee who worked for any of the Captain George's Seafood Restaurants in Myrtle Beach, South Carolina, Virginia Beach, Virginia, Williamsburg, Virginia, or Outer Banks, North Carolina.

The Defendants deny the allegations and claim that they did not violate any wage and hour law.

The purpose of this Notice is to inform you about the Lawsuit, your rights, and provide you with an opportunity to join the Lawsuit for the claims outlined above. The case was filed as a collective action lawsuit. In a collective action, one or more people, called "class representatives," oversee a lawsuit on behalf of all individuals with similar claims, commonly known as the class or the class members. In a collective action, the claims of a number of individuals are resolved together, thus providing the class members with both consistency and efficiency. **Unlike a class action, however, no person is part of a collective action unless and until they "opt in" by filing a consent form (the last page of this notice).**

2. What are my options?

If you are a member of the Class, you have the following options:

Action You Can Take	Effect	Details
Ask to be included by completing the consent form at the end of this notice.	Join the case. You give up your right to sue separately for the same federal law claims asserted in the lawsuit.	If you file a Consent Form (included at the end of this notice) by [REDACTED], you will be eligible to receive money or benefits, to the extent that they become available through a trial or a settlement in this case. You will also be bound by any judgments from the Court and cannot sue Captain George's separately about the same legal claims in the Lawsuit.
Do nothing.	Do not join the case. You will not receive any money or benefits for the federal law claims in the lawsuit. You keep your right to sue Captain George's on your own for the same federal claims asserted in this lawsuit.	If you do nothing, then you will remain out of the lawsuit. If the workers later receive money or other benefits from federal law claims in the lawsuit, you will not be eligible for any of those. You will keep your rights to sue Captain George's separately for federal claims in this lawsuit. You will not be bound by any judgments or decisions in the case that deal with the federal law claims.

These options are described in more detail below.

3. Can my employer retaliate against me if I join or otherwise participate in the Lawsuit?

The law strictly forbids any employer from retaliating against you for participating in the Lawsuit or filing a Consent Form. It is unlawful for the Defendants to retaliate against you in any way, including firing you, docking your pay, changing your hours or position, etc. If you experience any retaliation, you should report it immediately to Class Counsel (identified below).

4. The Attorneys Involved

Plaintiffs and any Class Member who completes the form below are represented by Markovits, Stock & DeMarco, LLC and Wukela Law Firm ("Class Counsel"). They are experienced in similar cases against other employers. The U.S. District Court appointed the firm to represent the other servers in this action as well. Unless you choose another lawyer, Class Counsel will represent you in this lawsuit and will work on your behalf.

You do not need to pay fees and expenses to Class Counsel. Instead, if Class Counsel gets money or benefits for the servers, then they will ask that the Court to award fees and expenses to them. This award will either be deducted from money obtained for Plaintiffs and the workers or paid separately by Captain George's.

The lawyers' contact information is below:

Andrew Kimble, Esq.
Markovits, Stock & DeMarco, LLC
3825 Edwards Road, Suite 650
Cincinnati, OH 45209
513-665-0213 or 877-450-8665
akimble@msdlegal.com
www.msdlegal.com

You may contact the above lawyers for free to obtain more information about the lawsuit. **You should not contact the Court to ask questions about the case.**

5. How do I join the Lawsuit?

To join the Lawsuit and be eligible to receive any benefits obtained through a trial or settlement, you must do the following by [redacted] [deadline]:

1. Fill out the enclosed "Consent Form."
2. Send it to Class Counsel in any one of the following ways:
 - a. Mail it in the pre-addressed, stamped envelope,
 - b. Mail it in your own envelope to Andrew Kimble; Markovits, Stock & DeMarco, LLC; 3825 Edwards Ave., Suite 650, Cincinnati, OH 45209,
 - c. Complete the consent form online at [adobe.com/\[redacted\]](http://adobe.com/[redacted])
 - d. Scan it and email it to Andrew Kimble or akimble@msdlegal.com, or
 - e. Fax it to Andrew Kimble at (513) 665-0219.

The form must be postmarked or sent by [redacted]. If your consent form is not postmarked by [redacted], you may be prohibited from participating in any recovery obtained against Captain George's from the federal law claims asserted in this lawsuit. If you do not promptly join this lawsuit, some or all of your claims may expire because of the statute of limitations.

6. What happens if I do not file a Consent Form?

If you do not return your Consent Form, you are not part of the lawsuit. As a result, if you do not file a Consent Form, then you will not be eligible for any money or benefits obtained as part of this Lawsuit.

If you do not return your consent form, then you may bring your own lawsuit against Captain George's for the same claims in the Lawsuit. You will have to hire your own lawyer at your own expense for that lawsuit (and you will have to prove your claims). If you exclude yourself so you can start or continue your own lawsuit against Captain George's, you should talk to your own lawyer before doing so because your claims may be subject to a statute of limitations.

CONSENT TO JOIN ACTION

I hereby consent to joining a civil action in the United States District Court for the District of South Carolina, *Gagliastre, et al v. Capt. George's Seafood Restaurants, LP, et al*, Case No. 4:17-cv-1308, to recover unpaid compensation, additional damages, and costs under the Fair Labor Standards Act and Ohio Law, and be represented by Markovits, Stock & DeMarco and Wukela Law Firm for purposes of bringing such action.

If I am not a named plaintiff myself, then I authorize the named plaintiff(s) to file and prosecute the above referenced matter in my name and on my behalf, and designate the named plaintiff(s) to make decisions on my behalf concerning the litigation, including negotiation a resolution of my claims, and I understand that I will be bound by such decisions. In the event this action gets conditionally certified and then decertified, I authorize plaintiff's counsel to reuse this Consent Form to re-file my claims in a separate or related action against Defendants.

Date

Signature

Name (Printed)

Phone Number

Email Address